

BOARD OF COUNTY COMMISSIONERS

DATE: September 23, 2014

AGENDA ITEM NO. 35

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Gregory and Linda Mazzei
Property Address: 12173 Orange Blossom Drive
Seminole, Florida 33772
File No.: 1464

Department:

Real Estate Management
Department of Environment and Infrastructure (DEI)

Staff Member Responsible:

Paul S. Sacco, Director
David Scott, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BCC) CONSIDER GRANTING THE PETITION TO VACATE A PORTION OF THE 7.5 FOOT EASEMENT, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTE 177.101, AND AUTHORIZE THE CLERK TO RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:

This subject petition seeks to vacate a portion of a 7.5 foot drainage and utility easement located in Lot 6, Leona Heights First Addition Subdivision, Official Records Plat Book 80 Page 21 in Section 21/30/15, Pinellas County, Florida.

The petitioner is the apparent owner of record of that portion of the plat that is requested to be vacated. The vacation of this portion of the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Staff reviewed the subject area and determined the vacation would not have an adverse effect on the remaining easement area. Building Development Review Services has indicated that there is no need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, WOW!, DEI, Pinellas County Planning and Development Services, Duke Energy (Distribution), Duke Energy (Transmission), TECO and Verizon.

The Petition was properly advertised in accordance with Florida Statute 177.101 and notice was mailed by the Clerk of the Court to the adjacent property owners and nearby residents. The Deputy Clerk will report any citizen support or opposition to the BCC.

Fiscal Impact/Cost/Revenue Summary:

The owner has paid a \$750 filing fee, including advertising cost.

Exhibits/Attachments Attached:

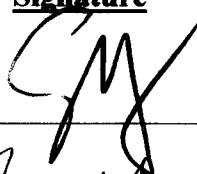
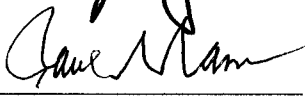
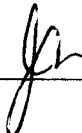
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Gregory & Linda Mazzei****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 9/23/2014 ESTIMATED EXPENDITURE/REVENUE:****\$ 750.00****(Circle appropriate choice above.)**

In accordance with the policy guide for Contract Administration, the attached documents are submitted for your review and suggested comments and/or changes.

- To assist other reviewers in this process, please mark your comments and/or suggested changes directly upon the document itself in RED INK.*

Upon completion of your review, please complete the Contract Review Transmittal Slip below and call 464-3672 at so that it can be picked up and taken to the next Review Authority on the list.

<u>Review Authority</u>	<u>Review Date</u>	<u>Review Signature</u>	<u>Comments Included/Addressed Initial & Date</u>
Real Property Div. (Sean Griffin)	<u>8/19/14</u>		
Real Est. Mgmt (Paul Sacco)	<u>8/20/14</u>		
DEI (Tom Farrand)	<u>8/15/2014</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>8/26/2014</u>	<u>M Zas</u>	
County Admin. (Joe Lauro)	<u>8/26/14</u>		

- Release/Termination/Amendment
- X FS 177.101 - Vacation
- FS 336.09/10/12 - ROW
- X Advertisement to Board Records
- X Scheduled Board Date
- X Complies with Section 8 Real Estate Procedures 3.2.2 Notification

Please return to Real Estate Management Department, Real Property Division by , 2014

All inquiries should be made to CYNTHIA HARRIS at telephone extension 43773 or 4-3672.

SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE, PLAT OR PORTION OF PLAT (EASEMENT)

Comes now your Petitioners, Gregory D. Mazzei and Linda P. Mazzei
Name of Petitioner

and respectfully requests this Honorable Board of County Commissioners to adopt a resolution vacating:

Lands described in legal description attached
hereto and by this reference made a part hereof.

Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does not now serve and is not needed for any public purpose; 3) the interest of the public will not be adversely affected by this vacation, nor will such vacation affect the ownership, or the right of convenient access, of persons owning any other parts of said subdivision.

I hereby swear and/or affirm that the forgoing statements are true:



Gregory D. Mazzei

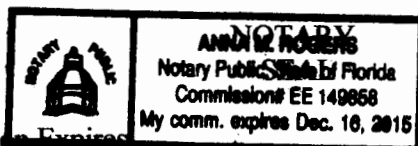
I hereby swear and/or affirm that the forgoing statements are true:



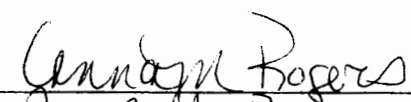
Linda P. Mazzei

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 21 day of August, 20 14, by
Gregory D. Mazzei and Linda P. Mazzei. He/She is personally known to me, or has produced
FL Drivers License as identification, and who did (did not) take an oath.



My Commission Expires

NOTARY 
Print Name Anna M. Rogers

Commission Number: _____

Sketch and Description

NOT A SURVEY

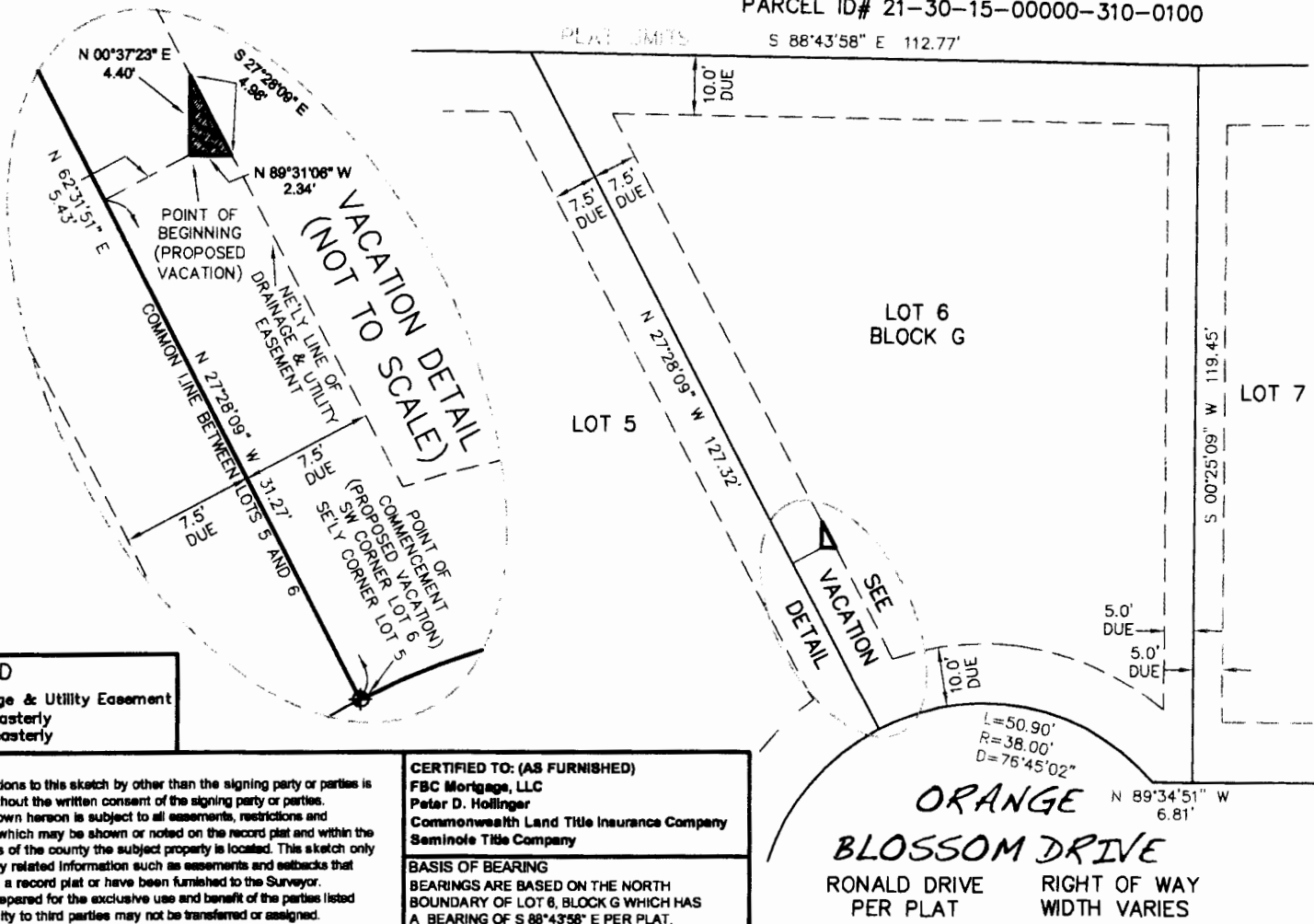
Legal Description

A portion of the 7.50 foot drainage and utility easement in Lot 6, Block "G", LEONA HEIGHTS - FIRST ADDITION, according to the map or plat thereof, as recorded in Plat Book 80, Page 21 of the Public Records of Pinellas County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Lot 6, said point also being the Southeasterly corner of Lot 5 said LEONA HEIGHTS - FIRST ADDITION, Thence run N 27° 28' 09" W, 31.27 feet, along the common line between said Lots 5 and 6; Thence run N 62° 31' 51" E, 5.43 feet to the Point of Beginning; Thence run N 00° 37' 23" E, 4.40 feet to a point on the Northeasterly line of said 7.50 foot drainage and utility easement; Thence run S 27° 28' 09" E, 4.98 feet parallel to said common lot line; Thence run N 89° 31' 06" W, 2.34 feet to the Point of Beginning.

Containing 5.16 square feet more or less.

UNPLATTED
PARCEL ID# 21-30-15-00000-310-0100



Reviewed by: CH
Date: 8-13-14
SFN # SDI-1464

LEGEND

DUE = Drainage & Utility Easement
NE'LY = Northeasterly
SE'LY = Southeasterly

NOTES

1. Additions or deletions to this sketch by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
2. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This sketch only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
3. This sketch is prepared for the exclusive use and benefit of the parties listed hereon. Liability to third parties may not be transferred or assigned.

CERTIFIED TO: (AS FURNISHED)

FBC Mortgage, LLC
Peter D. Hollinger
Commonwealth Land Title Insurance Company
Seminole Title Company

BASIS OF BEARING

BEARINGS ARE BASED ON THE NORTH
BOUNDARY OF LOT 6, BLOCK G WHICH HAS
A BEARING OF S 88°43'58" E PER PLAT.

JOB #: VLSR14-6071S&D

CLIENT #:

DRAFTER: DJF

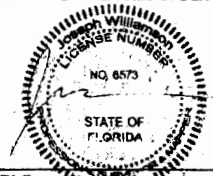
APPROVED: JEJ

Vision Land Service, LLC

941 S. Pennsylvania Avenue
Winter Park, FL 32789
Phone (888) 399-8474

LB 7788

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SKETCH IS A TRUE AND ACCURATE
REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATED: 7/31/14

DATE	REVISION	DATE	REVISION
8/8/14	Revise Square footage		



SCALE: 1" = 30'

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1464

PETITIONER

GREGORY D. MAZZEI
LINDA P. MAZZEI
12173 ORANGE BLOSSOM DRIVE
SEMINOLE, FL 33772

ADJACENT PROPERTY OWNERS

NOTIFICATION LETTER SENT TO THESE OWNERS
BY THE CLERK OF THE CIRCUIT COURT – BCC RECORDS DIVISION

REAL PROPERTY DIVISION
ATTN: CYNTHIA M. HARRIS
509 EAST AVENUE S
CLEARWATER, FL 33756

MAZZEI, GREGORY D
MAZZEI, LINDA P
12173 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3404

MC AVADDY, MELISSA
8995 122ND WAY
SEMINOLE, FL 33772-3328

FRIEDERICH, MARK A
FRIEDERICH, DINA L
8891 TAMI ST
SEMINOLE, FL 33772-3414

NIEVES, DONALD A
NIEVES, ADRIANA M
8955 122ND WAY
SEMINOLE, FL 33772-3328

HAWLEY, JOHN J & BARBARA J
TRUST
HAWLEY, JOHN J TRE
12220 89TH TER
SEMINOLE, FL 33772-3347

GASTON, GARY L REVOCABLE TR
GASTON, GARY L TRE
12785 PARK BLVD
SEMINOLE, FL 33776-3634

USA FED NATL MTG ASSN
950 E PACES FERRY RD STE 1900
ATLANTA, GA 30326-1384

BARRETT, EARL
BARRETT, SIGRID
8892 TAMI ST
SEMINOLE, FL 33772-3413

GUMTO, ELMER O
GUMTO, JOCELYN J
12245 90TH AVE
SEMINOLE, FL 33772-3239

SEMINOLE SPECIAL REC DIST
C/O SCHULER, TIMOTHY C.
PO BOX 3096
SEMINOLE, FL 33775-3096

WEINHOFER, AMY A
WEINHOFER, CHARLES J
12110 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3403

BECK, JAMES M
12128 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3403

ADOLPHSON, RICHARD L
ADOLPHSON, BARBARA J
8856 TAMI ST
SEMINOLE, FL 33772-3413

CESA, SARAH H
CESA, RYAN A
PO BOX 42092
SAVANNAH, GA 31409-0092

SAYDEH, ALBERT J
SAYDEH, BARBARA A
12155 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3404

RASMUSSEN, THOMAS S
RASMUSSEN, MARY L
8925 122ND WAY
SEMINOLE, FL 33772-3328

DAVIS, MATHEW
DAVIS, KAREN
12119 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3404

TEDESCO, RALPH
TEDESCO, MARILYN
8855 TAMI ST
SEMINOLE, FL 33772-3414

HULL, DONALD D
HULL, JOYCE E
12195 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3404

VIDITO, JAMES R
VIDITO, CHRISTI
12137 ORANGE BLOSSOM DR
SEMINOLE, FL 33772-3404

CHINA, JANICE H
12210 91ST AVE
SEMINOLE, FL 33772-3220

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF A 7.5 FOOT DRAINAGE AND UTILITY EASEMENT LOCATED IN LOT 6, LEONA HEIGHTS – FIRST ADDITION SUBDIVISION, LOCATED IN SECTION 21, TOWNSHIP 30, RANGE 15, AS RECORDED IN PLAT BOOK 80, PAGE 21, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Gregory D. Mazzei and Linda P. Mazzei, petitioned this Board of County Commissioners to vacate the following described property:

**Lands described in legal description attached hereto as Exhibit “A”
and by this reference made a part hereof; and**

WHEREAS, vacating the requested portion of the easement will not have an adverse affect on the remaining easement area; and

WHEREAS, the Petitioners are the apparent owners of record of the portion of the plat requested to be vacated, and the vacation of such portion of the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and

WHEREAS, the Petitioner has shown that the requested vacation will not cause injury to surrounding property owners; and

WHEREAS, the Publisher’s Affidavit, showing compliance with the notice requirements of Chapter 177.101 of the Florida Statutes, has been received by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, in regular session duly assembled on this _____ day of _____, 20____, that the described property in the legal description attached hereto as Exhibit "A" and plat be, and the same are hereby vacated insofar as this Board of County Commissioners has the authority to do so.

BE IT FURTHER RESOLVED that this resolution and the proof of publication of the notice of public hearing, be recorded in the deed records of Pinellas County, Florida.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ and upon roll call, the vote was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

BY M. J. [Signature]
ATTORNEY

Sketch and Description

NOT A SURVEY

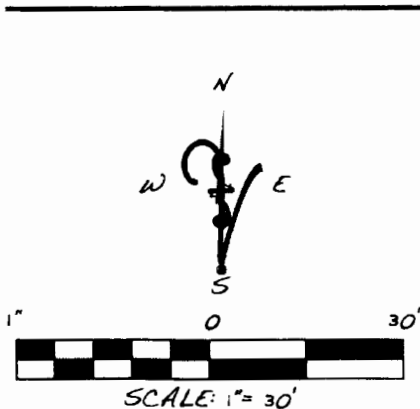
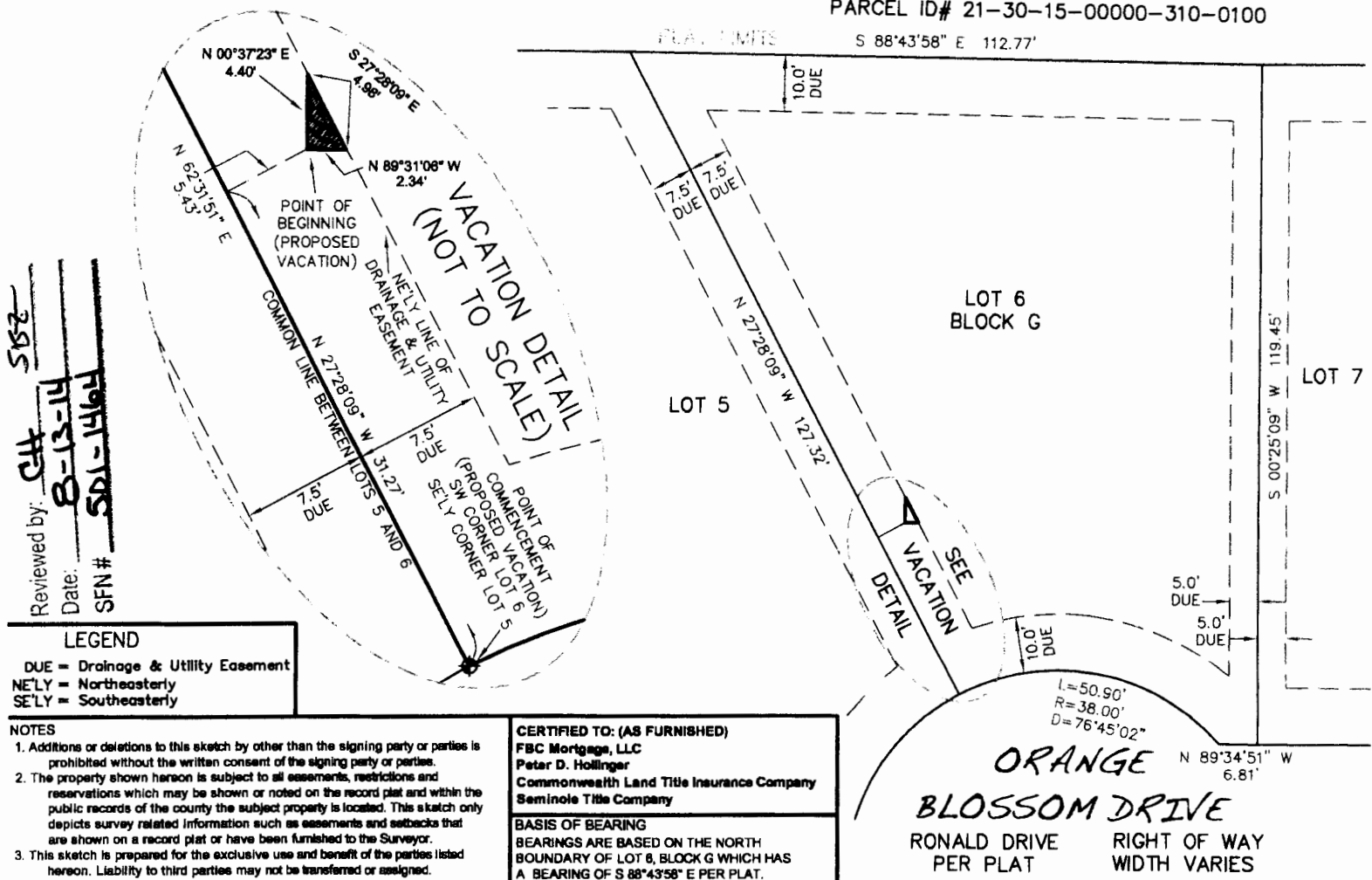
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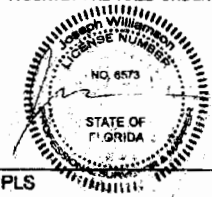
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PARCEL ID# 21-30-15-00000-310-0100



Vision Land Service, LLC
941 S. Pennsylvania Avenue
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Phone (888) 399-8474
LB 7788

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Joseph E. Williamson, PLS
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND MAPPER
DATED: 7/31/14
DATE: 8/8/14
REVISION: Revise Square footage
DATE:
REVISION:

Petition to Vacate

File No.: 1464

